IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SIXTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO. 12904 of 2004

Between:

Mrs. E. Rukmini W/o Jaya Ram Reddy
R/o Community Hall, RTC Quarters, Behind Kachiguda Railway Station,
Hyderabad 500 027

..... PETITIONER

AND

1. Andhra Pradesh State Road Transport Corporation, rep by its Vice Chairman & Managing Director, Musheerabad, Hyderabad
2. The Depot Manager APSRTC., Nellore-I Depot, Nellore
3. The Secretary, Regional Transport Authority, Nellore, Nellore District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the 2nd respondent in proposing to recover the amounts from the present bills payable to petitioners vehicles bearing Registration No.AP.23/T-4983, AP 23/T-4984, AP23/T-4848 and AP 23/T-4846, without issuing any notice and affording without any opportunity as arbitrary, illegal, violative of principles of natural justice and grant such other necessary relief's.

Counsel for the Petitioner:MR.B.S.SIVA PRASAD

Counsel for the Respondent Nos.1 and 2: MR.VENKATESWARLU POSANI

Counsel for the Respondent No.3:GOVERNMENT PLEADER FOR TRANSPORT

The Court at the admission stage made the following Order:

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO.12904 OF 2004

ORDER:

The petitioner is the owner of four stage carriage vehicles. Those vehicles were hired by the respondent Corporation. Aggrieved by the action initiated by the 2nd respondent, basing on a circular said to have been issued by the 1st respondent, proposing to recover the amount allegedly paid in excess to the petitioner for the vehicles hired, the petitioner filed the present writ petition.

A learned Single Judge of this Court (V.V.S.Rao,J) had an occasion to deal with the similar matters on more than one occasion, and disposed of a batch of writ petitions (W.P.No.21377 of 2001 and batch) through order dated 29-08-2002, with certain directions which are as under:

i. The Regional Manager concerned of Andhra Pradesh State Road Transport Corporation is directed to issue notice to the petitioner whose bus was hired and conduct survey in the presence of the petitioner or his duly authorized representative for determining the actual length of the route by taking the advice/assistance from the officials of the Roads and Buildings Department or Government of Andhra Pradesh.

ii. After conducting such survey and determining the actual route length, the Regional Manager concerned may again verify the vehicle log book containing the operational particulars as well as certificate/s issued by the Traffic Supervisor of the Depot with regard to the distance operated during the specified period, take into consideration the excess schedule Kilometers or deviations of the route, if any, and, determine the actual distance on which the petitioner's vehicle plied.

iii. Till such determination is made, no coercive steps shall be taken against the petitioner.

iv. As and when such a finding is arrived at by the Regional Manager, the petitioner undertakes to pay the amount, if any, excess paid to her.

Since the issue involved in the present writ petition is squarely covered by the aforesaid order of the learned Judge, the present writ petition is also disposed of in terms of the aforesaid order. No costs.

26-07-2004

usd

To

1. The Vice Chairman & Managing Director ,Andhra Pradesh State Road Transport Corporation, Musheerabad, Hyderabad
2. The Depot Manager APSRTC., Nellore-I Depot, Nellore
3. The Secretary, Regional Transport Authority, Nellore, Nellore District
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